



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,425	09/16/2005	Gerhard Lammel	10191/4133	4531
26646 7590 04/05/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER GOUDREAU, GEORGE A	
			ART UNIT	PAPER NUMBER
			1763	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/05/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/529,425

Applicant(s)

LAMMEL ET AL.

Examiner

George A. Goudreau

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on (3-25-05' to 3-6-06').
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are **rejected**.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☒ None of:

1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

*George A. Goudreau*  
GEORGE GOUDREAU  
PRIMARY EXAMINER

12-06'

Art Unit: 1763

1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-The body of claim 1 is not commensurate in scope with the preamble of claim 1.

(i.e.-The preamble of claim 1 recites a method for making a micromechanical component while the body of claim 1 fails to recite a method for making a micromechanical component. It is unclear what patentable weight this feature has in the claim since it is not positively recited in the body of the claim.);

In the claims, the usage of bracketed numbers is vague, and indefinite. (i.e.-The examiner is unsure what patentable weight to give these numbers in the interpretation of the claim scope.);

-In the claims, it is unclear what constitutes being "a patterned porous region" or "a patterned region". (i.e.-These claims are vague, and indefinite in this regard.);

-Claims 4-9 are improper multiply dependent claims. (i.e.-These claims are multiply dependent, and depend upon another multiply dependent claim (i.e.-claim 3). Only one level of multiple claim dependency is permissible.);

-In the claims, the usage of the term "functional" is vague, and indefinite. (i.e.-What constitutes being functional?);

-In claim 4, it is unclear how additional layers can cooperate with the functional layer. (This claim is vague, and indefinite in this regard.);

-In the claims, it is unclear what constitutes being "additional layers". (i.e.-These claims are vague, and indefinite in this regard.);

Art Unit: 1763

and

-In the claims, the usage of the term "cover layer" is vague, and indefinite.

(i.e.-What constitutes being a cover layer?)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, and 8-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lee et. al. (2,000').

(See copy of search report.)

4. Claims 1-5, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Splinter et. al. (2,001').

(See copy of search report.)

5. Claims 1, 4, 6, and 8-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lammel (WO-2001/019,723).

(See copy of search report.)

6. Claims 1-5, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Montanini et. al. (6,197,655).

(See copy of search report.)

7. Claims 1-5, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ishida et. al. (5,594,171).

(See copy of search report.)

Art Unit: 1763

8. Claims 1-2, 5-7, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Benz et. al. (2004/0065931).

(See copy of search report.)

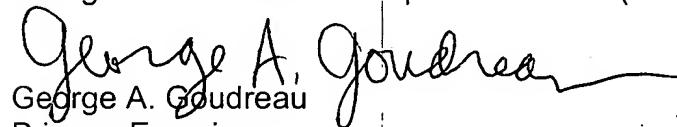
9. Claims 1-5, and 8-9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Benz et. al. (5,542,558).

(See copy of search report.)

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication should be directed to examiner

George A. Goudreau at telephone number (571)-272-1434.

  
George A. Goudreau  
Primary Examiner  
Art Unit 1763